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PATENT  
Attorney Docket No.: 02307O-086121US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On January 30, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Jay M. Marshall

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert Fischer, et al.

Application No.: 09/812,283

Filed: March 19, 2001

For: NUCLEIC ACIDS THAT  
CONTROL SEED AND FRUIT  
DEVELOPMENT IN PLANTS

Customer No.: 20350

Examiner: AD Mehta

Technology Center/Art Unit: 1638

TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, the Regents of the University of California, is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,229,064 (filed October 22, 1998, issued May 8, 2001).

U.S. Patent No. 6,229,064 and the instant application were commonly owned at that time of invention of the subject matter claimed in U.S. Patent No. 6,229,064. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,229,064 are commonly owned. This

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agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as deemed in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,229,064, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 1-15-2004

By: Linda S. Stevenson  
Name: Linda S. Stevenson

Title: Manager, Patent Prosecution